

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

UNITED STATES OF AMERICA)	MATTICE/CARTER
)	
v.)	CASE NO. 4:09-CR-49
)	
JOE WALKER)	

ORDER

On February 4, 2010, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, conspiracy to manufacture, distribute, and possess with the intent to distribute five grams or more methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in the lesser included offense in Count One of the Indictment, conspiracy to manufacture, distribute, and possess with the intent to distribute five grams or more methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 72). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

(1) Defendant's plea of guilty to the lesser included offense in Count One of the Indictment, conspiracy to manufacture, distribute, and possess with the intent to distribute five

grams or more methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B), in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in the lesser included offense in Count One of the Indictment, conspiracy to manufacture, distribute, and possess with the intent to distribute five grams or more methamphetamine in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B);

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing **Monday, May 10, 2010, at 9:00 am.**

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE